



# Republican Policy Committee

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## The People, the Congress, and the Constitution

For the first time ever, a Congress has voted on three proposed constitutional amendments that the American people care about deeply and support overwhelmingly —

- a balanced budget amendment,
- a term limits amendment, and
- a flag protection amendment.

All of the amendments failed (though one came tantalizingly close) because none of them got the constitutionally required two-thirds vote in both houses of Congress. (Even then, a proposed amendment must be approved by three-fourths of the States before it is added to the Constitution.)

These votes wouldn't have been possible if Congress hadn't changed hands after the elections of 1994 — and the amendments wouldn't have failed if even more Senate and House seats had changed hands two years ago.

Senators and Representatives who belong to the party that now has a majority in the Congress overwhelmingly support these three constitutional amendments. Members of the President's party do not.

**Balanced Budget Amendment.** Polls show that more than 80 percent of the American people favor a balanced budget constitutional amendment (BBA). On January 26, 1995, in the House of Representatives, 99 percent of the Majority Party's members voted for the BBA. They were joined by a third of the Minority Party (36 percent), but the combined total was enough to pass the amendment on a vote of 300 to 132.

In the Senate, however, the BBA narrowly failed — twice. On March 2, 1995, the amendment failed by one vote when 98 percent of the Majority Party members were joined by 30 percent of the Minority. The BBA failed by three votes on June 6, 1996, when just 26 percent of the Minority joined 98 percent of the Majority Party.

Unfortunately, President Clinton, whose influence could have made the difference on such close votes, opposes a balanced budget amendment.

**Term Limits.** About 75 percent of the American people favor a constitutional amendment to limit the terms of U.S. Senators and Representatives. (The Constitution already limits the president to two terms.) An amendment is necessary because the Supreme Court struck down the attempts of individual States to limit the terms of their own members of Congress.

A term limits amendment did not pass either house of Congress, but not for lack of trying. In the House on March 29, 1995, 83 percent of the Majority Party members were joined by 19 percent of Minority Party members, but the combination did not equal two-thirds. In the Senate on April 23, 1996, where the vote was on a procedural question, 100 percent of the Majority Party members were joined by 11 percent of the Minority, but that combination was not enough to shut off debate, and the proposal was put aside.

**Flag Protection.** Some 80 percent of the American people favor a constitutional amendment that would allow a legislature to pass a law protecting the American flag. A proposed amendment did pass the House but failed in the Senate, perhaps again because of the President's opposition.

On June 28, 1995, the House passed a flag protection amendment with 95 percent of the Majority being joined by 47 percent of the Minority for a combined total of 312 votes (with 120 "nays").

On December 12, 1995, in the Senate, 92 percent of the Majority were joined by 30 percent of the Minority and the amendment fell three votes short.

Constitutional amendments need 67 percent of all votes cast. When members of the Majority Party in the Congress vote nearly unanimously for a proposed amendment but they are joined by only 20 to 30 percent of all members of the Minority Party, then the amendment will fail — until voters send more members of the Majority Party to Congress, as they began to do in 1994.

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